

SENATE BILL No. 96

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-42-2-1; IC 35-44.1-2-14; IC 35-45-1.

Synopsis: Rioting. Requires a person convicted of a battery against a law enforcement officer, firefighter, or emergency medical services provider to: (1) serve a mandatory minimum sentence of 30 or 90 days, depending on the severity of the injury; and (2) make restitution to the victim. Defines "tumultuous conduct" and "unlawful assembly" for purposes of the rioting statute, and requires a person convicted of rioting to: (1) serve a mandatory minimum sentence of 30 days; and (2) make restitution to the victim. Defines "camp" and "Indiana government center campus", and makes unlawful camping on the Indiana government center campus a Class A misdemeanor.

Effective: July 1, 2021.

Grooms

January 7, 2021, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 96

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-31.5-2-33.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: **Sec. 33.3. "Camp", for purposes of**
4 **IC 35-44.1-2-14, has the meaning set forth in IC 35-44.1-2-14.**
5 SECTION 2. IC 35-31.5-2-169.1 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2021]: **Sec. 169.1. "Indiana government**
8 **center campus", for purposes of IC 35-44.1-2-14, has the meaning**
9 **set forth in IC 35-44.1-2-14.**
10 SECTION 3. IC 35-42-2-1, AS AMENDED BY P.L.142-2020,
11 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 1. (a) As used in this section, "public safety
13 official" means:
14 (1) a law enforcement officer, including an alcoholic beverage
15 enforcement officer;
16 (2) an employee of a penal facility or a juvenile detention facility
17 (as defined in IC 31-9-2-71);



- 1 (3) an employee of the department of correction;
- 2 (4) a probation officer;
- 3 (5) a parole officer;
- 4 (6) a community corrections worker;
- 5 (7) a home detention officer;
- 6 (8) a department of child services employee;
- 7 (9) a firefighter;
- 8 (10) an emergency medical services provider;
- 9 (11) a judicial officer;
- 10 (12) a bailiff of any court; or
- 11 (13) a special deputy (as described in IC 36-8-10-10.6).
- 12 (b) As used in this section, "relative" means an individual related by
- 13 blood, half-blood, adoption, marriage, or remarriage, including:
- 14 (1) a spouse;
- 15 (2) a parent or stepparent;
- 16 (3) a child or stepchild;
- 17 (4) a grandchild or stepgrandchild;
- 18 (5) a grandparent or stepgrandparent;
- 19 (6) a brother, sister, stepbrother, or stepsister;
- 20 (7) a niece or nephew;
- 21 (8) an aunt or uncle;
- 22 (9) a daughter-in-law or son-in-law;
- 23 (10) a mother-in-law or father-in-law; or
- 24 (11) a first cousin.
- 25 (c) Except as provided in subsections (d) through (k), a person who
- 26 knowingly or intentionally:
- 27 (1) touches another person in a rude, insolent, or angry manner;
- 28 or
- 29 (2) in a rude, insolent, or angry manner places any bodily fluid or
- 30 waste on another person;
- 31 commits battery, a Class B misdemeanor.
- 32 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
- 33 misdemeanor if it:
- 34 (1) results in bodily injury to any other person; or
- 35 (2) is committed against a member of a foster family home (as
- 36 defined in IC 35-31.5-2-139.3) by a person who is not a resident
- 37 of the foster family home if the person who committed the offense
- 38 is a relative of a person who lived in the foster family home at the
- 39 time of the offense.
- 40 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
- 41 felony if one (1) or more of the following apply:
- 42 (1) The offense results in moderate bodily injury to any other



person.

(2) The offense is committed against a public safety official while the official is engaged in the official's official duty.

(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).

(6) The offense:

(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and

(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.

(2) The offense is committed with a deadly weapon.

(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense included in this chapter against the same victim.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A public safety official while the official is engaged in the official's official duties.

(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.



- 1 (D) An endangered adult (as defined in IC 12-10-3-2).
- 2 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
- 3 (1) the person knew or recklessly failed to know that the bodily
- 4 fluid or waste placed on another person was infected with
- 5 hepatitis, tuberculosis, or human immunodeficiency virus; and
- 6 (2) the person placed the bodily fluid or waste on a public safety
- 7 official.
- 8 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
- 9 felony if it results in serious bodily injury to an endangered adult (as
- 10 defined in IC 12-10-3-2).
- 11 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
- 12 felony if it results in serious bodily injury to a person less than fourteen
- 13 (14) years of age if the offense is committed by a person at least
- 14 eighteen (18) years of age.
- 15 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
- 16 felony if it results in the death of one (1) or more of the following:
- 17 (1) A person less than fourteen (14) years of age if the offense is
- 18 committed by a person at least eighteen (18) years of age.
- 19 (2) An endangered adult (as defined in IC 12-10-3-2).
- 20 **(l) In addition to any criminal penalty imposed for a violation of**
- 21 **this section, the court shall order that a person convicted of a**
- 22 **battery against a law enforcement officer, firefighter, or**
- 23 **emergency medical services provider, while the officer, firefighter,**
- 24 **or provider is engaged in their official duties, be imprisoned for at**
- 25 **least:**
- 26 **(1) thirty (30) days; or**
- 27 **(2) ninety (90) days, if the offense resulted in serious bodily**
- 28 **injury to the officer, firefighter, or provider.**
- 29 **In addition, the court shall order the person convicted to make**
- 30 **restitution to the victim of the crime under IC 35-50-5-3.**
- 31 **(m) Notwithstanding:**
- 32 **(1) IC 35-50-2-2.2 and IC 35-50-3-1, imprisonment imposed**
- 33 **under subsection (l) may not be suspended; and**
- 34 **(2) IC 35-50-6, a person does not earn good time credit while**
- 35 **serving imprisonment imposed under subsection (l).**
- 36 **SECTION 4. IC 35-44.1-2-14 IS ADDED TO THE INDIANA**
- 37 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
- 38 **[EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The following definitions**
- 39 **apply throughout this section:**
- 40 **(1) "Camp" means doing one (1) or more of the following at**
- 41 **any time between 10 p.m. and 7 a.m.:**
- 42 **(A) Erecting, placing, maintaining, leaving, allowing to**



remain, or using a piece of furniture, tent, raised tarp, or other temporary shelter, structure, or furniture.

(B) Sleeping or making preparation to sleep, including laying down a sleeping bag, blanket, or other material used for bedding.

(C) Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat producing portable cooking equipment.

(D) Making a fire or preparing to make a fire.

(E) Doing any digging or earth breaking.

(2) "Indiana government center campus" means the following:

(A) The state capitol building.

(B) The Indiana government center-north.

(C) The Indiana government center-south.

(D) The state library.

(E) The Washington Street garage.

(F) The Senate Avenue garage.

(G) The land adjacent to these buildings that is owned and controlled by the state.

(b) A person who:

(1) without authorization; and

(2) having been informed, in person, by signage, by announcement, or otherwise, that camping is prohibited;

knowingly or intentionally camps on the Indiana government center campus commits unlawful occupation, a Class A misdemeanor.

SECTION 5. IC 35-45-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter:

"Tumultuous conduct" means conduct that results in, or is likely to result in, serious bodily injury to a person, ~~or~~ substantial damage to property, ~~or the obstruction of law enforcement or other governmental function.~~

"Unlawful assembly" means an assembly of ~~five (5)~~ **three (3)** or more persons ~~whose common object is to commit an unlawful act, or a lawful act by unlawful means. Prior concert is not necessary to form an unlawful assembly.~~ **who engage in tumultuous conduct.**

SECTION 6. IC 35-45-1-2, AS AMENDED BY P.L.158-2013, SECTION 521, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. **(a)** A person who, being a member of an unlawful assembly, recklessly, knowingly, or



1 intentionally engages in tumultuous conduct commits rioting, a Class
2 A misdemeanor. However, the offense is a Level 6 felony if it is
3 committed while armed with a deadly weapon.

4 **(b) In addition to any criminal penalty imposed for a violation**
5 **of this section, the court shall order that the convicted person:**

6 **(1) be imprisoned for at least thirty (30) days; and**

7 **(2) make restitution to the victim of the crime under**
8 **IC 35-50-5-3.**

9 **(c) Notwithstanding:**

10 **(1) IC 35-50-2-2.2 and IC 35-50-3-1, imprisonment imposed**
11 **under subsection (b) may not be suspended; and**

12 **(2) IC 35-50-6, a person does not earn good time credit while**
13 **serving imprisonment imposed under subsection (b).**

